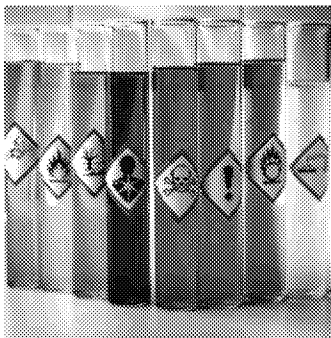


## Message

**From:** OGCLibrary [OGCLibrary@epa.gov]  
**Sent:** 7/9/2020 5:07:58 PM  
**To:** Anderson, Kate [Anderson.Kate@epa.gov]; Anderson, Steve [Anderson.Steve@epa.gov]; Bahk, Benjamin [Bahk.Benjamin@epa.gov]; Berckes, Nicole [Berckes.Nicole@epa.gov]; Bernota, Carolyn [Bernota.Carolyn@epa.gov]; Cherry, Andrew [Cherry.Andrew@epa.gov]; Cozad, David [Cozad.David@epa.gov]; Cross, Verna [Cross.Verna@epa.gov]; King, Carol [King.Carol@epa.gov]; Denton, Loren [Denton.Loren@epa.gov]; Dierker, Carl [Dierker.Carl@epa.gov]; Faeth, Lisa [Faeth.Lisa@epa.gov]; Garvey, Mark [Garvey.Mark@epa.gov]; Goerke, Ariadne [Goerke.Ariadne@epa.gov]; Greenwald, Kathryn [Greenwald.Kathryn@epa.gov]; Herrema, Jeffrey [Herrema.Jeffrey@epa.gov]; Kaplan, Robert [kaplan.robert@epa.gov]; Kausch, Jeannine [Kausch.Jeannine@epa.gov]; Mackey, Cyndy [Mackey.Cyndy@epa.gov]; Morgan, Jeanette [Morgan.Jeanette@epa.gov]; Nanda, Sushila [Nanda.Sushila@epa.gov]; Nguyen, Quoc [Nguyen.Quoc@epa.gov]; Pollins, Mark [Pollins.Mark@epa.gov]; Rog, Morgan [Rog.Morgan@epa.gov]; Rose, Cheryl [Rose.Cheryl@epa.gov]; Schaaf, Eric [Schaaf.Eric@epa.gov]; Sullivan, Greg [Sullivan.Greg@epa.gov]; Swan, Russell [Swan.Russell@epa.gov]; Tierney, Cate [Tierney.Cate@epa.gov]; OGC PTSLO [OGC\_PTSLO@epa.gov]; Abramson, Jennifer [Abramson.Jennifer@epa.gov]; Kaul, Monisha [Kaul.Monisha@epa.gov]; Vergeront, Julie [Vergeront.Julie@epa.gov]; Charlton, Tom [Charlton.Tom@epa.gov]; Smoot, Cameo [Smoot.Cameo@epa.gov]; Miles, James [miles.james@epa.gov]; Trivedi, Adrienne [Trivedi.Adrienne@epa.gov]; Presler, Amos [presler.amos@epa.gov]; OGC NFO FEAT [OGC\_NFO\_FEAT@epa.gov]; Cobb, Christina [cobb.christina@epa.gov]; Varco, Joseph [varco.joseph@epa.gov]; Pickell, Casey [pickell.casey@epa.gov]; Myrick, Pamela [Myrick.Pamela@epa.gov]; Sherlock, Scott [Sherlock.Scott@epa.gov]; Wallace, Ryan [Wallace.Ryan@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Saenz, Diana [Saenz.Diana@epa.gov]; Stachowiak, Robert [Stachowiak.Robert@epa.gov]; Teter, Royan [Teter.Royan@epa.gov]; Voyles, Travis [Voyles.Travis@epa.gov]; Gardner, Geraldine [Gardner.Geraldine@epa.gov]; Payne, James [payne.james@epa.gov]; Siciliano, CarolAnn [Siciliano.CarolAnn@epa.gov]; Dunn, Alexandra [dunn.alexandra@epa.gov]; Fischer, David [Fischer.David@epa.gov]; Bolen, Derrick [bolen.derrick@epa.gov]; Kadeli, Lek [Kadeli.Lek@epa.gov]; Han, Kaythi [Han.Kaythi@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Dennis, Allison [Dennis.Allison@epa.gov]; Labbe, Ken [Labbe.Ken@epa.gov]; Lieberman, Paige [Lieberman.Paige@epa.gov]  
**Subject:** Pesticides & Toxic Substances Law News for July 9, 2020



## Pesticides & Toxic Substances Law News for July 9, 2020

**Bloomberg  
Environment**

**Environment & Energy**

## Highlights

## **LEADING THE NEWS**

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### **Court Tosses Environmental Protest of EPA Covid-Era Enforcement**

By Ellen M. Gilmer

The EPA can take its time responding to environmentalists' request for increased transparency about the agency's approach to enforcement during the coronavirus pandemic, a federal judge ruled Wednesday.

## **CHEMICALS**

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### **Bayer to Alter Plan for Handling Future Roundup Cancer Suits (1)**

By Jef Feeley

Bayer AG's plan to resolve future Roundup cancer lawsuits for about \$1.25 billion has been temporarily pulled after a judge raised substantial questions about the proposal, which was part of a broader \$11 billion settlement deal involving mostly current claims.

### **Amazon Is Sued for Terminating Critic of Online Pesticide Sales**

By Spencer Soper

A former Amazon.com Inc. attorney alleges in a lawsuit that he was let go for speaking up about what he says were illegal online sales of restricted pesticides.

### **Washington State Studies PFAS, Other Substances in Products**

By Pat Rizzuto

Washington state is proposing to examine dozens of products that contain PFAS, flame retardants, and three other types of chemicals for possible regulation.

### **Companies Moving to Swap Out Harmful Chemicals Flagged by EU Law**

By Stephen Gardner

The European Union's centralized approach to screening and identifying harmful chemicals under its REACH law is pushing companies to find and use less harmful alternatives, the European Chemicals Agency said in a report released Wednesday.

### **California Agency Sets Warning Levels for Chlorpyrifos Pesticide**

By Emily C. Dooley

California health officials on Wednesday announced new thresholds for when products containing the insecticide chlorpyrifos must have exposure warnings.

## **AIR, WATER, AND WASTE**

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No new stories today.

## **IN THE AGENCIES**

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## EPA Union Says Agency Has Quietly Changed Reopening Criteria

By Stephen Lee

The EPA's biggest union claims the agency is quietly changing its criteria for reopening offices during the pandemic, adding a new metric that could let the it move faster from one phase to the next, under President Donald Trump's three-step reopening plan.

### **INSIGHT**

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### **COURTS AND LAW**

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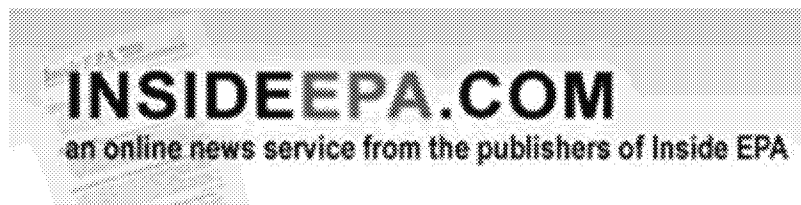
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### **AROUND THE WORLD**

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## **Redefining EPA**

Overhauling an agency and its mission

<https://insideepa.com/agency-at-a-crossroads>

Inside EPA's **Weekly Report**, 07/10/2020

<https://insideepa.com/newsletters/inside-epa>

**Inside EPA's Inside TSCA**

<https://insideepa.com/inside-tsca-home>

**TSCA Tracker**

<http://insideepa.com/specials/tsca-tracker>

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### **Latest News**

#### **Union Says EPA Changed COVID-19 Criteria For Quicker Office Reopening**

EPA's largest employee union is raising concerns that changes the agency quietly made to the metrics it uses to determine when to reopen offices in the midst of the COVID-19 pandemic will make it easier to force workers back to their offices even if virus infections are spiking in those locations. **FULL STORY**

#### **Senators Press For Federal Probe Into PFAS Exposure, COVID-19 Risks**

More than a dozen senators are pressing federal health agencies to probe any links between exposure to per- and polyfluoroalkyl substances (PFAS) and COVID-19 risks, including through an upcoming large, multi-site PFAS study that will examine drinking water exposure and a variety of health outcomes. **FULL STORY**

## Daily Feed

### **Judge rejects suit seeking COVID enforcement policy disclosures**

The decision says environmentalists have suffered no concrete harm from EPA's failure to disclose which facilities have taken advantage of its enforcement "discretion" during the coronavirus pandemic. **FULL STORY**

### **Quote-Unquote: What they're saying about . . .**

. . . pipeline projects, scuttled and sidelined. **FULL STORY**

## Environment Next

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## EPA

### **2 employees test positive as reopening stalls**

Kevin Bogardus, E&E News reporterPublished: Wednesday, July 8, 2020

EPA building with coronavirus COVID19. Credits: Claudine Hellmuth/E&E News(illustration); Francis Chung/E&E News(EPA photo); CDC(virus)



EPA is attempting to thwart the spread of the novel coronavirus among its staffers. Claudine Hellmuth/E&E News (Illustration); Francis Chung/E&E News (EPA photo); Centers for Disease Control and Prevention (virus)

Two employees in EPA's Region 6 branch have tested positive for the COVID-19 virus as the agency faces mounting criticism and challenges to reopening during the pandemic.

David Gray, deputy regional administrator for Region 6, told staff in an [email](#) obtained by E&E News that the agency had been notified of two staffers testing positive.

"The continued safety and well-being of you and your families is paramount to us," Gray said in the email yesterday, urging staff to follow Centers for Disease Control and Prevention guidance to protect them from the virus.

Included with Gray's email was a notice from the general manager of the Renaissance Tower — the Dallas building with EPA office space — confirming a COVID-19 case by another building occupant.

EPA spokesman James Hewitt confirmed the Region 6 cases to E&E News but said: "Neither have been in the office or interacted with other employees in the workplace. Both employees are following CDC guidelines and have self-quarantined for 14 days." The Dallas office has been closed since March 23.

The office entered a seven-day closure period to render the virus inactive, the initial part of the reopening process, on June 1. But plans have not advanced given the COVID-19 surge in Texas.

In an [email](#) last week to staff, EPA Region 6 Administrator Ken McQueen said criteria to enter phase one of the reopening, in which staff has the option of returning to the office, had not been met. McQueen has [announced](#) other delays in the past.

EPA's Region 6 is the latest location with known COVID-19 infections at the agency.

Other EPA offices — including in Atlanta, Boston, Montana and the agency's Washington headquarters — reported employees testing positive as the pandemic took hold earlier this year. One EPA Region 3 employee died from the virus ([Greenwire](#), April 2).

In March, EPA staff was sent home to telework. Yet Administrator Andrew Wheeler announced in May plans to reopen the agency, beginning with several regional offices.

EPA officials have noted that employees are encouraged to telework during the initial phases of the reopening process. EPA union officials, however, have protested the effort, worried over phase three of the plan, in which most staff would be expected to return to the office and potentially be exposed to COVID-19.

Jeanne Schulze, president of American Federation of Government Employees Local 1003, which represents EPA Region 6 employees, said the agency should not return staff to the office, given the spread of the virus.

"There is absolutely no way, given how virulent this disease is, that they can protect employees," Schulze said. "Sadly, it is very likely we will see more EPA Region 6 employees diagnosed with COVID-19 in the weeks to come."

## Questions over criteria

Other EPA union officials have raised questions about criteria the agency is using for reopening.

Members of AFGE Local 704, the EPA Region 5 staff union, noticed that the agency had added another metric, the percentage of positive COVID-19 tests in the area, to its facility status dashboard. They shared with reporters screenshots of the dashboard — some updated on June 24, the other on July 1. The latter included a graph on the percentage of positive tests.

Will Damico, an AFGE Local 704 member, noted that the graph on the percentage of positive tests was trending downward, while the graph on the number of cases was trending upward.

"That's because for the Chicago metropolitan area, they're ramping up the testing faster than the spread of the disease is going up," Damico said. "The agencies are using an 'or,' so if any one of these three criteria is being met, they say this whole group of criteria is OK."

Other EPA offices, like Region 6, have included the new graph on the dashboard.

Nicole Cantello, president of AFGE Local 704, said she was worried by the move.

"This will make it easier for us to move through to phase three, to get people into the office and to endanger people's lives," Cantello said. "I don't understand why the agency is trying to move us quicker to a place where people will get sick."

Hewitt with EPA rejected the idea that the agency had changed its reopening criteria.

"The AFGE leadership continues to dissemble on a daily basis in an attempt to sow confusion and concern among their membership," said the EPA spokesman, saying the agency has been "completely transparent" on the dashboard's creation and use.

"We are not going to suppress data or avoid using the best available science because AFGE is trying to score political points," he added.

Hewitt said the "new" additions to the dashboard are described in the guidance from the White House that was initially published when the guidance was released.

"It noted that we should consider downward trajectory of documented cases within a 14-day period or downward trajectory of positive tests as a percent of total tests within a 14-day period (flat or increasing volume of tests)," Hewitt said.

In addition, CDC guidance includes a downward trajectory of positive tests as a percentage over a 14-day period for reopening criteria, Hewitt said.

EPA and AFGE, the agency's largest employee union, will begin bargaining talks over reopening next week (Greenwire, July 6).

Cantello has sent letters to Johns Hopkins University and Carnegie Mellon University urging them to request EPA not use their COVID-19 data as part of the agency's reopening process, arguing that it could lead to staff members' becoming infected with the virus.

"We ask that you decline to participate in U.S. EPA's attempts to place its staff at risk, and call back U.S. EPA's use of this data in violation of the posted terms of use. Because U.S. EPA is intent on returning its employees to unsafe offices as soon as possible, we ask you to take action immediately," she said in one of the letters.

Cantello said she has not gotten a response from the schools.

Spokespeople for the schools acknowledged questions from E&E News for this story but weren't able to provide comment by deadline.

## Public transit, office cleaning

One aspect of reopening that has troubled EPA employees is potential exposure to the virus during their commutes to the office. The agency's own scientists are now studying that issue.

As part of its research on disinfectant products that can have long-lasting effects against the novel coronavirus, EPA announced yesterday it is partnering with New York's Metropolitan Transportation Authority and the Los Angeles County Metropolitan Transportation Authority to reevaluate EPA-registered antimicrobial products that can be used in public spaces.

The agency is conducting that research at the EPA Office of Research and Development's Center for Environmental Solutions and Emergency Response in North Carolina's Research Triangle Park.

"While the country begins to safely reopen, we understand that mass transit is a concern to the public and our scientists are actively addressing these challenges," Wheeler said in a statement.

EPA's Office of Chemical Safety and Pollution Prevention also released guidance yesterday on the use of electrostatic spraying for disinfecting large indoor spaces like schools and offices.

Meanwhile, EPA staff is bracing for the next phase of reopening. The agency plans to review data tomorrow to determine if its headquarters complex should proceed to phase two or stay in phase one, according to an [email](#) sent to employees last week.

Staffers are not pleased with the push to reopen. One EPA headquarters employee told E&E News that they will not be going back until there is a vaccine and even hope to leave the agency before they are forced to return.

"We are doing more work than we did in the office. We are going to be holding virtual meetings for a long time, so why go through the hassle and risk to sit in your office with a mask and have your meetings virtually?" said the employee. "It is crazy."

*Reporter Ariana Figueroa contributed.*

## PANDEMIC

### Restaurant tied to Wheeler got COVID-19 aid

[Kelsey Brugger](#) and [Timothy Cama](#), E&E News reportersPublished: Wednesday, July 8, 2020

Lucky Buns. Photo credit: Lucky Buns



Lucky Buns restaurant in Washington. Lucky Buns

A popular Washington burger joint linked to EPA chief Andrew Wheeler was among the several businesses affiliated with Trump officials to receive a loan from the government's aid program intended to blunt economic distress caused by the pandemic.

The restaurant, Lucky Buns, received a loan under the Small Business Administration's Payment Protection Program (PPP), according to data the agency released this week.

Wheeler is a former investor in the company, Upshur Burger Concepts LLC, and receives up to \$2,000 worth of free food and drinks per month, according to his 2019 financial disclosure form.

The company's loan was for somewhere between \$150,000 to \$300,000, the records show.

Restaurants have been hit particularly hard during the coronavirus pandemic, even as the country partially reopens.

The PPP offers low-interest loans to small businesses that will be forgiven if 60% of the money is spent on employee salaries, among other conditions. The agency said in April it would waive ethics rules for lawmakers, federal officials and their families.

Before joining EPA, Wheeler took an interest in the eatery, which opened in the heart of the Adams Morgan neighborhood in 2017.

Alex Herrgott, a restaurateur and former aide to Sen. Jim Inhofe (R-Okla.), asked Wheeler to get involved, according to Herrgott. At the time, Wheeler was a coal industry lobbyist.

"Wheeler is no longer an active investor, as his investment has been fully paid back," said Herrgott, who is also a current Trump administration official. "His investment was a very small minority stake investment that didn't offer equity in the business."

Herrgott said all former investors receive "food and drink perks," which are not redeemable for cash. He declined to say how often Wheeler goes to Lucky Buns "for safety and privacy's sake."



EPA spokesman James Hewitt said in an email that Wheeler "no longer has ties to the company." He did not respond to a follow-up question about how often Wheeler frequents the restaurant, which recently opened a second location at Union Market.

Herrgott, who described himself as a "nonoperating" partner at Upshur Burger Concepts, serves as the executive director of the obscure federal agency, the Federal Permitting Improvement Steering Council. The council was created to accelerate the construction of major infrastructure projects through 2015 legislation known as the Fixing America's Surface Transportation (FAST) Act.

Herrgott helped craft the bill when he was the deputy staff director in the Senate Environment and Public Works Committee ([Greenwire](#), Jan. 17).

Herrgott dismissed what was once dubbed "Burgergate" after Citizens for Responsibility and Ethics in Washington last year spotted the \$2,000 of free burgers on Wheeler's financial disclosure form.

"It was less than a story," he said yesterday.

Known for his gregarious personality, Herrgott has for years been heavily involved in both politics and restaurants in Washington.

While he is not involved in daily operations, Herrgott said he and three others started Lucky Buns. Head chef Alex McCoy, who has also been involved with Washington staples Alfie's and Duke's Grocery, regularly posts support for Democrats on Twitter.

Other Trump officials associated with businesses that received cash included Education Secretary Betsy DeVos, who is affiliated with Indianapolis services company RenPSG; White House adviser Jared Kushner, whose family owns real estate companies; and Perdue Inc., a trucking company that Agriculture secretary Sonny Perdue founded, [according to Bloomberg](#).

Energy firms have been among the top recipients of PPP dollars, including one tied to former EPA Administrator Scott Pruitt ([E&E Daily](#), May 12). Environmental groups have also gotten help ([Climatewire](#), July 8).

**Disclosure:** E&E News has received funding from the Paycheck Protection Program.

## PUBLIC HEALTH

### Trump's severed ties with WHO leave EPA partnership unclear

[Sean Reilly](#), E&E News reporterPublished: Wednesday, July 8, 2020

EPA Headquarters in Washington, D.C. and the World Health Organization in Geneva, Switzerland. Photo credit: Francis Chung/E&E News(EPA); Eric Bridiers/U.S. Mission Geneva/Flickr(WHO)



EPA headquarters in Washington and the World Health Organization in Geneva. Francis Chung/E&E News (EPA); Eric Bridiers/U.S. Mission Geneva/Flickr (WHO)

EPA's formal working partnership with the World Health Organization has persisted for nearly 30 years — into the Trump administration.

But that relationship's future now stands in question following President Trump's decision to begin withdrawal from the United Nations agency, which bills its mission as promoting health, keeping the world safe and serving the vulnerable.

As of this morning, however, an EPA website still touted a long-standing cooperative program with WHO "to address the direct link between protecting public health and supporting a clean environment."

Under a series of agreements launched at the Rio de Janeiro Earth Summit in 1992 and most recently renewed in 2016, EPA and WHO are officially committed to working together on a host of issues, including climate change, children's health and pesticides, according to the text of the latest [memorandum of understanding](#) signed by then-EPA Administrator Gina McCarthy four years ago.

Over the years, the two agencies have collaborated on efforts to provide clean drinking water and reduce reliance on dung and other solid cooking fuels that contribute to dangerous indoor air pollution in many Asian and African countries, according to former officials. Already, experts have warned that a cutoff of U.S. funding for WHO could undercut its ability to pursue global climate mitigation efforts ([Climatewire](#), May 21).

But the partnership also brings mutual information-sharing benefits, said Jamie Bartram, a former WHO official now on the public health faculty at the University of North Carolina, Chapel Hill.

"That cuts both ways if it is diminished," Bartram said in an email this morning. "WHO has less access to EPA expertise, and EPA disconnects from the expertise that is coordinated among member countries."

EPA press aides did not reply to queries this morning requesting both a list of current projects with WHO as well as information on the agency's plans for continuing that relationship in light of Trump's decision.

But in late 2018, EPA joined in a first-ever global conference in Geneva on air pollution and health, according to its website. The agency remains the advisory group chair of the Global Alliance to Eliminate Lead Paint, which is led by a joint secretariat of WHO and the U.N. Environment Programme, said Charlie Cray, a political and business strategist with Greenpeace.

"This alliance works to promote lead paint laws worldwide to eliminate lead in paint, including in children's toys," Cray said in an email. By proceeding to withdraw from WHO, he added, "Trump continues to put his fragile ego before science and the well-being of people worldwide."

In addition, the State Department, which serves as the federal government's lead in international outreach, is listed as one of last year's underwriters of the Clean Cooking Alliance, a U.N. Foundation initiative that strives to increase the use of cleaner-burning natural gas as a cooking fuel. Representatives of the alliance and WHO could not be reached for comment this morning.

Before proceeding with the formal start of the withdrawal process this week, Trump had previously assailed WHO for failing to make changes that he says would have stopped the worldwide spread of the coronavirus. The United States' approximately \$450 million annual contribution will be redirected "to other worldwide and deserving, urgent, global public health needs," Trump said in May.

According to CNN, the withdrawal notice, effective July 6, 2021, has been sent to U.N. Secretary-General António Guterres. Through a spokesperson, Guterres confirmed receipt of the notice and was in the process of verifying that all conditions for withdrawal — including a one-year advance notice requirement and full payment of assessed dues — have been met, the cable network reported on its website earlier today.

Congressional Democrats were swift to condemn the move, with some questioning whether Trump can proceed without lawmakers' approval. "It would be bad policy to pull out of the world's leading body coordinating global health efforts under any circumstances, but to do so during a global pandemic is utterly baffling, especially against the backdrop of 130,000 American lives lost," House Foreign Affairs Chairman Eliot Engel (D-N.Y.) said in a statement yesterday.

The ultimate outcome may well hinge on the result of November's elections.

"Americans are safer when America is engaged in strengthening global health," Joe Biden, the presumptive Democratic presidential nominee, said on Twitter yesterday. "On my first day as President, I will rejoin the @WHO and restore our leadership on the world stage."

## **PESTICIDES**

### **Study on bee-killing chemical offers ammo for policy fight**

Marc Heller, E&E News reporterPublished: Wednesday, July 8, 2020

A bee on a clover. Photo credit: Jo Zimny Photos/Flickr



Neonicotinoid pesticides have been blamed for harming bee colonies. Jo Zimny Photos/Flickr

A class of pesticides notorious for harming bees does little to boost farmers' crop yields or profits — but it's a form of crop insurance in case of insect outbreaks, according to Cornell University researchers.

The scientists examined the risks and benefits of neonicotinoids, the nicotine-based insecticides that have become hugely popular on farms since their introduction in the United States in 1991.

Four of the chemicals are in final stages of registration renewal at EPA, where officials have rejected calls from environmental groups to ban their use. Instead, the agency has imposed restrictions on their use, including label instructions to limit when and where they're used to reduce exposure to bees.

In their 432-page [report](#), the Cornell researchers didn't make policy recommendations but delved deeply into neonic's use in New York, a major producer of specialty crops as well as field corn used to feed dairy cows. The results lend support to arguments on both sides of the controversy around neonic's.

Researchers found that around 90% of field tests showed no increase in corn yields from seeds treated with neonic's, compared with chemical alternatives or untreated seed. Some 89% of field trials showed no increased yield compared with plots where no insecticide was used.

They found similar results with soybeans.

"Nevertheless, neonicotinoid-treated seeds are used by nearly all conventional field corn farmers and, likely, the majority of soybean producers in New York," the study said.

"In part, this is due to the insurance value of neonicotinoid-treated seeds. Even if routine use of neonicotinoid-treated seeds does not increase expected net income, such preventative pest control products protect growers against unpredictable, potentially severe, losses from early-season pests."

It added, "Incentives and policies to reduce usage of neonicotinoid-treated seeds may benefit from recognizing their value as inexpensive crop insurance as well as a pest management tool."

Treated seeds cost farmers about \$49 more per hectare than nontreated seeds, researchers found.

A senior scientist at the Center for Biological Diversity, Nathan Donley, told E&E News that the Cornell work stands out for examining independent, peer-reviewed studies on the chemicals, rather than relying mainly on industry studies that have weighed heavily in EPA's analyses.

"That's probably why they are much more clear and definitive about the major harms that neonics pose to pollinators," Donley said. "EPA discounted nearly every single independent study in the peer-reviewed literature in their risk assessment, which is the main reason they are moving forward with such a permissive approval."

A spokesman for the New York Farm Bureau, Steve Ammerman, said pesticides aren't the only potential contributor to the decline in pollinators.

"The more information we have, the better we can work to implement new strategies to benefit pollinators and farmers," Ammerman said. "Neonics have been an important and effective risk management tool to agriculture and were developed to be safer alternatives than products used decades ago."

The first neonics to hit the market was imidacloprid in 1991. Since then, they have become some of the most widely used pesticides in the world, constituting more than 25% of the global pesticide market, according to the report. Farmers use them mainly in treated seeds, which spread the chemical throughout the plant — including into pollen and nectar that bees collect.

Researchers said only 5% of corn acres in New York were treated with other insecticides in 2018, and just 13% of corn acres nationally, a testament to neonics' widespread use.

In its proposed registration renewal for imidacloprid released earlier this year, EPA recommended reducing the amounts that can be applied annually to plants or soil. Cornell researchers said the interim decision would affect major New York crops such as apples and cabbage, in which the state ranks in the top three nationally.

The agency also issued interim registration decisions for acetamiprid, clothianidin, dinotefuran and thiamethoxam. EPA proposed no changes in some uses of imidacloprid but noted the danger to pollinators from neonics overall and proposed canceling imidacloprid's use as a spray on turf to reduce risk to people, and use on bulb vegetables to reduce risk to aquatic species from runoff.

The agency turned away requests for wide new restrictions on their use, such as an outright prohibition (*E&E News PM*, Jan. 30).

## Policy implications

Other findings in the Cornell study could play into future policy decisions.

Although they found that the risk to bees varies widely across landscapes — with very little risk in some settings — the researchers called "particularly concerning" the amount of neonicotinoids in soil, at levels known to be toxic to ground-nesting bees.

Fifty-four percent of New York's 417 species of bees nest in the ground, the study said.

Donley said EPA hasn't fully addressed the risk to ground-nesting bees, putting much of its focus on honeybees that are raised commercially and are easier for experts to track.

In some cases, neonics appear to be the only treatment that works on the insects in question, according to the researchers.

They said that's the case with the woolly adelgid, an imported insect that's destroying eastern hemlock trees — the third-most common tree in New York and an important species to the state's timber industry. Infested trees nearly always die, and the pesticide is injected into the tree in ways that pose little harm to bees, the study said. Hemlocks are pollinated by wind.

"Ending control of hemlock woolly adelgid with neonicotinoids could have severe consequences for New York forests," the researchers said.

Researchers also said they found a surprising lack of information about the risks and benefits of neonics used on specialty crops.

Climate change could affect the chemicals' use in New York, the study said, but could mean either more or less depending on how insects respond to wetter springs, drier falls and warmer overall conditions.

At the New York Farm Bureau, Ammerman said the group is examining the findings and believes the state Department of Environmental Conservation and EPA, not lawmakers, should drive policies on neonics.

"We do not support the banning of classifications of pesticides by legislative bodies and believe that regulatory agencies, like NYS DEC and the EPA, should be making these decisions based on the science," Ammerman said.

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